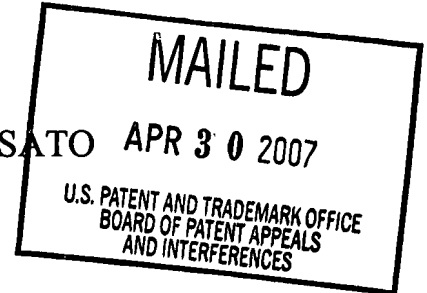


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HIROSHI KODAMA and TATSUO SATO

Application No. 09/768,512



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on January 23, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

On April 3, 2006, Appellants filed an Appeal Brief. In response to Appellants' Brief, the Examiner mailed an Examiner's Answer on October 4, 2006.

The Examiner's Answer

On page 3 of the Answer, section (8) under the heading of "Evidence Relied Upon," the Examiner lists the references relied upon in the rejection of claims on appeal. In particular, the Examiner relies upon Japanese Patent JP-8141413 to Shimada Yuji in the rejection of claims on appeal. However, a review of the Image File Wrapper (IFW) reveals that the Examiner does not

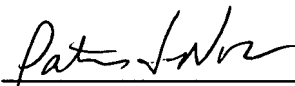
Application No. 09/768,512

provide a full-text English translation of Japanese Patent JP-8141413 to Shimada Yuji.

Accordingly, it is

ORDERED that the application is returned to the Examiner to provide a full-text English translation of the Japanese patent, to scan the translated reference into the IFW, to provide Appellants with a copy of said translation, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PJN:clj

Sughrue Mion
2100 Pennsylvania Ave. N.W.
Washington, DC 20037-3213